



A RESOLUTION

02-*P*-0147

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$12,179.98 IN SETTLEMENT OF THE CLAIM
OF GLORIA JEAN CANNON AGAINST THE CITY OF
ATLANTA**

WHEREAS, GLORIA JEAN CANNON has filed a claim against the City of Atlanta seeking damages arising out of personal injuries sustained when she fell on a hazardous and dangerous sidewalk on September 2, 2001 located at Grant Park at 800 Cherokee Avenue, SE; and

WHEREAS, the hazardous condition of this sidewalk had existed for such time that the City of Atlanta had implied notice of its condition; and

WHEREAS, the City has made the necessary repairs to this sidewalk and it is no longer a hazard; and

WHEREAS, the construction and maintenance of public roads and sidewalks are ministerial functions and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

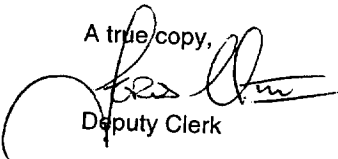
WHEREAS, the claimant has asserted damages in the amount of **\$12,179.98** and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **GLORIA JEAN CANNON** be settled for the sum of **\$12,179.98**.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that **\$12,179.98** be paid by the City of Atlanta in satisfaction of any and all claims **GLORIA JEAN CANNON** may have stemming from damages sustained to her on or about September 2, 2001 at Grant Park at 800 Cherokee Avenue, SE.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 1A01/529017/T31001.

A true copy,


Deputy Clerk

**ADOPTED by the Council
APPROVED by the Mayor**

FEB 04, 2002
FEB 12, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0631

Date: 01/07/02

Claimant /Victim GLORIA CANNON

BY: (Atty) _____

Address: 1910 Valencia Road Decatur, Georgia 30032

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 12,179.98

Date of Notice: 10/8/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 9/02/01 Place: Grant Park at 800 Cherokee Avenue, SE

Department PRCA Division: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained injuries when she fell on a portion of a sidewalk that was hazardous and dangerous at Grant Park. An investigation determined that the hazardous condition of the sidewalk existed for such time that the City had implied notice of its condition. Furthermore, the City has taken the necessary steps to repair the walkway and make the area safe for pedestrian travelers.

INVESTIGATION:

Statements: City employee _____ Claimant X Other X Written X Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 12,179.98 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 01-14-02

Committee Action: _____ Council Action _____

RCS# 3449
2/04/02
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;
02-R-0005;02-O-0006;02-R-0193;02-R-0105
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0105
02-R-0193

CORRECTED COPY

CONSENT I

02/04/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON
CONSENT AGENDA**

15. 02-R-0117
 16. 02-R-0118
 17. 02-R-0119
 18. 02-R-0120
 19. 02-R-0121
 20. 02-R-0122
 21. 02-R-0123
 22. 02-R-0124
 23. 02-R-0125
 24. 02-R-0126
 25. 02-R-0127
 26. 02-R-0128
 27. 02-R-0129
 28. 02-R-0130
 29. 02-R-0131
 30. 02-R-0132
 31. 02-R-0133
 32. 02-R-0134
 33. 02-R-0135
 34. 02-R-0136
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02-R -0147

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A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF
\$12,179.98 IN SETTLEMENT OF THE
CLAIM OF GLORIA JEAN CANNON
AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

FEB 04 2002

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee

Date

Chair

Action:
Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav. Adv. Hold (see rev. side)

Other:

Members

Committee

Date

Chair

Action:
Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

FEB 04 2002

ATLANTA CITY COUNCIL PRESIDENT

Robert W. Woodard

CERTIFIED

FEB 04 2002

Ruth Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Stanley Frank
FEB 7 2002

AYC